IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO.1922 OF 2005,
CRIMINAL WRIT PETITION NO.1923 OF 2005,
AND
CRIMINAL WRIT PETITION NO.1924 OF 2005

Suresh Mohan Kanwar ...Petitioner
(In all Petitions)

Vs.

The State of Maharashtra & Anr. ...Respondents
(In all Petitions)

Mr. S.B.Jaisinghani Sr.Counsel i/by Satish L Maneshinde with S.D. Nangre for the Petitioner in Criminal Writ Petition No.1922 of 2005.

Mr. S.L. Maneshinde with Shri. S.D. Nangre for the Petitioner in Criminal Writ Petition No.1923 of 2005 and Criminal Writ Petition No.1924 of 2005.

Shri. A.S.Gadkari, A.P.P. for the Respondent No.1 and Mr. A.P. Mundargi i/by Rajeev Sawant for the Respondent No.2 in Criminal Writ Petition No.1922 of 2005.

Shri. K.V. Saste, A.P.P. for the Respondent No.1 and Shri. R.N. Mishra for the Respondent No.2 in Criminal Writ Petition No.1923 of 2005.

Ms S.D. Shinde, A.P.P. for the Respondent No.1 and Shri. R.N. Mishra for the Respondent No.2 in Criminal Writ Petition No.1924 of 2005.

CORAM : A. S. OKA, J.
DATE : AUGUST 22, 2005.

P.C.:

1. Heard learned Counsel appearing for the Petitioner, the learned A.P.P. for the State and the learned Counsel for the Respondent No.2.

2. Apart from the other submissions on merit, the learned Counsel for the Petitioner brought to my notice the observation made by the Sessions Court while granting the Anticipatory Bail in favour of the Respondent No.2 to the effect that even though custody

of all the Applicants is required for investigation that should not be the ground for rejection of the Applications for Anticipatory Bail.

3. After arguing the Petitions for sometime, the learned Counsel appearing for the Respondent No.2 in these Writ Petitions stated that in view of the aforesaid observation made by the learned Sessions Court, the said Respondents are ready and willing to surrender before the Investigating Officer. The learned Counsel appearing for the Respondent No.2 submitted that reasonable time may be granted to the Respondent No.2 in these Petitions to surrender before the Investigating Officer.

4. I have considered the submissions. The Apex Court has held that the gravity of allegations and need for custodial interrogation are the only factors required to be considered while deciding an application for Anticipatory Bail. While granting Anticipatory Bail, the learned Additional Sessions Judge has observed in paragraph No.12 of his order that custody of all the Applicants was required for investigation. The allegations in the F.I.R. are of serious nature requiring custodial interrogation. In view of the said position and considering the observations made by the learned Sessions Judge in paragraph No.12 of the order passed in favour fo the

Respondent No.2, a case is made out for cancelling the Anticipatory Bail granted in favour of the Respondent No.2. I am not recording detailed reasons as the original Applicants have agreed to surrender. Considering the fact that the Respondents were protected by the Sessions Court, reasonable time deserves to be granted to surrender before the Investigating Officer. It is obvious that after they surrender before the Investigating Officer, they will be entitled to apply for bail in accordance with law. Such Application is bound to be considered on its own merits.

5. Hence, I pass the following order:

: O R D E R :

i) The impugned order dated 29th July, 2005 passed in Anticipatory Bail Applications No.998 of 2005, 1021 of 2005 and 1067 of 2005 granting Anticipatory Bail in favour of the Respondent No.2 is quashed and set aside and Anticipatory Bail Application Nos.998 of 2005, 1021 of 2005 and 1067 of 2005 stand rejected.

ii) Considering the facts and circumstances of the case, the Respondent No.2 in these Petitions are granted time till 29th August, 2005 to surrender

before the Investigating Officer.

JUDGE